



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2369 of 2023

Backiyaraj ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
PEW Police Station - Thanjavur,
Thanjavur District.
Crime No.119 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram.S, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.119 of 2023 on the file of the respondent police.

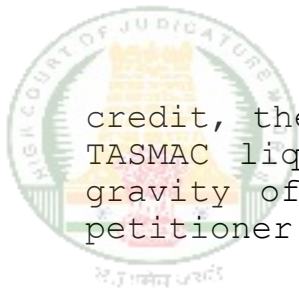
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 16.01.2023, for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.119 of 2023, seeks bail.

2.The case of the prosecution is that the accused was found in possession of 185 bottles of 180ml TASMAL liquors, without any valid permit. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 16.01.2023. Hence, prays for bail.

4.The learned Additional Public Prosecutor would submit that though the petitioner is not having any previous case to his



credit, the accused was found in possession of 185 bottles of TASMAL liquors, without any valid permit. Hence, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that to show his *bonafides*, he is ready and willing to deposit Rs.10,000/- to any Welfare Scheme of the Government, without prejudice to his rights and contentions before the trial Court.

6. Heard both sides. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner's readiness to deposit amount in any Welfare Scheme, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Dean, Medical College Hospital, Tanjore District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, would not amount of admission of guilt by him.

8. (a) On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvaiyaru, Thanjavur District** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005) AIR SCW 5560];



CRL OP(MD)



23

(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-

06/02/2023

/ TRUE COPY /

06/02/2023

WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATEm THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, DISTRICT PRISON, THANJAVUR.

4 THE INSPECTOR OF POLICE, PEW POLICE STATION - THANJAVUR,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN, MEDICAL COLLEGE HOSPITAL, THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.2369 of 2023

Date :06/02/2023

RS/VR/SAR.(06.02.2023) 3P-7C